

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Lucio RODRIGUEZ,

Defendant(s)

Magistrate Case No. U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA'08 MJ 1239 *9/18*COMPLAINT FOR VIOLATION OF

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

Transportation of Illegal

Aliens

The undersigned complainant, being duly sworn, states:

On or about **April 22, 2008**, within the Southern District of California, defendant **Lucio RODRIGUEZ**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Enrique HUERTA-Garcia, Idelberto BENITEZ-Maruri, and Rudolfo VALDEZ-Olivares** had come to, entered and remained in the United States in violation of law, did transport and move said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 23rd DAY OF APRIL 2008



Jan M. Adler

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Lucio RODRIGUEZ****PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **Enrique HUERTA-Garcia, Idelberto BENITEZ-Maruri, and Rudolfo VALDEZ-Olivares** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 22, 2008, Senior Patrol Agent G. Suarez was performing assigned patrol duties in and around Boulevard, California. Agent Suarez was dressed in civilian attire and driving an unmarked DHS vehicle. Boulevard is located approximately five miles north of the United States/ Mexico International boundary approximately 20 miles east of the Tecate, California, Port of Entry.

At approximately 6:25 a.m. while driving westbound on Interstate 8 (I-8) east of Boulevard, California, Agent Suarez observed a multicolored Ford Econoline van as it pulled onto the shoulder of the westbound lanes of I-8 just east of Call Box 8-691. As Agent Suarez slowly passed the Ford van he observed the male driver wearing a blue jacket. Agent Suarez also noticed the driver had facial hair. Agent Saurez also noticed that there was no one seated in the passenger seat. Agent Suarez maintained visual of the Ford using his rear view and side view mirrors. While watching through his mirrors, Agent Suarez observed a group of people run from the brush north of Interstate 8 into the Ford van. Once the group was inside the van, the Ford continued westbound on I-8.

After Agent Suarez observed the group of people load into the vehicle, Agent Suarez pulled off the road and waited for the Ford van to pass his location. The van soon passed Agent Suarez, who observed the same individual with facial hair and wearing a blue jacket driving the vehicle. Agent Suarez also noticed that the van now had a passenger in the front seat. Agent Suarez further noticed the van had commercial marking and peeling paint indicating it was once used as a Verizon fleet vehicle. Agent Suarez pulled behind the Ford van and requested, via agency radio, a stolen vehicle/registration check on the license plate. The dispatcher advised Agent Suarez that the vehicle was registered as a 1998 Ford van and was registered out of Riverside, California.

Agent Suarez requested, via agency radio, a marked vehicle to perform an immigration stop on the Ford van. Supervisory Border Patrol Agent M. Anzelmo and Border Patrol Agent D. Breier responded, each driving a marked Border Patrol vehicle equipped with emergency lights and sirens. Agent Anzelmo and Agent Breier pulled behind the Ford van after it passed the Ribbonwood on-ramp of the westbound lanes of I-8 in Boulevard.

At approximately 6:35 a.m., Agent Anzelmo initiated a vehicle stop on the Ford van. The Ford van then sped up and passed the marked Border Patrol vehicle, driven by Agent Breier, on the left by driving on the shoulder of I-8 in the center divide. The Ford van's actions forced Agent Breier to perform an evasive maneuver in order to maintain control of his vehicle and to stay on the road.

Agent Anzelmo terminated the pursuit after the Ford van passed the Border Patrol vehicle in a reckless manner. Agent Suarez then advised that he was following the Ford van in an unmarked vehicle. The Ford van pulled away from the vehicle driven by Agent Saurez traveling at approximately 90 miles per hour.

CONTINUATION OF COMPLAINT:**Lucio RODRIGUEZ**

Agent Suarez followed the Ford van approximately five more miles until he observed it pull onto the north shoulder just to the west of the La Posta bridge. Agent Suarez advised agents that the vehicle's occupants were fleeing from the vehicle.

When Agent Suarez stopped and exited his vehicle, he noticed the Ford van was still moving and there was no one in the driver's seat. Agent Suarez ran after the runaway vehicle and was able to take control of the van.

Agents Anzelmo, Agent Breier, Supervisory Border Patrol Agent P. Metts, and Border Patrol K-9 # 060404 responded and searched for the occupants of the van. Agents apprehended a total of seven subjects. Agents identified themselves as Border Patrol agents and questioned each subject individually as to their citizenship; six subjects freely admitted to being citizens and nationals of Mexico, present without any documentation that would allow them to enter or legally remain in the United States. The defendant claimed to be a citizen of the United States of America. All seven subjects were arrested and transported to the Boulevard Border Patrol Station for processing.

DEFENDANT STATEMENT:

The defendant Lucio RODRIGUEZ was read his Miranda rights in the Spanish language. The defendant stated that he understood his rights and was willing to answer questions without an attorney present.

The defendant stated that he was approached by a friend at a carwash where he works and was asked if he wanted to earn some money picking up people near San Diego, California. The defendant stated he was to be paid \$300.00 USD to pick up the people. The defendant said he picked up the vehicle in San Ysidro. He was also given a phone to receive further instructions. He then went to a hotel in El Cajon and waited. He then received a call telling him to go to a callbox on Interstate 8. After arriving at the callbox a person opened the side doors of the van and people got in.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Enrique HUERTA-Garcia, Idelberto BENITEZ-Maruri, and Rudolfo VALDEZ-Olivares** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. They stated that they were going to pay between \$1,500 and \$2,300 USD to be smuggled into the United States.